

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|  |   |                                  |
|--|---|----------------------------------|
| <b>JEFFERY M. FLECKENSTEIN, <u>et al.</u>,</b> | : |                                  |
| <b>Plaintiffs</b>                              | : | <b>No. 1:14-cv-1085</b>          |
|  | : |                                  |
| <b>v.</b>                                      | : | <b>(Judge Kane)</b>              |
|  | : |                                  |
| <b>ROSS W. CRAWFORD, <u>et al.</u>,</b>        | : | <b>(Magistrate Judge Schwab)</b> |
| <b>Defendants</b>                              | : |                                  |

**ORDER**

**AND NOW**, on this 30th day of September 2015, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Schwab's Report and Recommendation (Doc. No. 26) is **ADOPTED**;
2. Plaintiffs' objections (Doc. Nos. 27, 28) are **OVERRULED**;
3. Defendants' motion to dismiss (Doc. No. 14) is **GRANTED IN PART AND DENIED IN PART** as follows:
  - a. Plaintiffs' claim under the Pennsylvania Wrongful Death Act (Count IV) is **DISMISSED WITHOUT PREJUDICE** with leave to amend this count within 21 days of this order, if Plaintiffs choose to do so;
  - b. The state created danger claim pursuant to 42 U.S.C. § 1983 is **DISMISSED** with prejudice as to the Defendant Commissioners Chronister, Hoke, and Reilly;
  - c. Defendant York County is **DISMISSED** as a defendant with prejudice; and
  - d. In all other respects, the motion is **DENIED**;
4. Defendant Ross Crawford's motion for complex track (Doc. No. 19) is **DENIED**.

S/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania